

The president in the chair.

The president gave notice of signing and signed in the presence of the Senate

Senate bill No. 241, entitled "An act to provide for the filling of vacancies in the office of clerk of the district court in counties where there is more than one district court."

The amendment offered by Senator Page to section 3 of the pending bill was lost by the following vote:

YEAS—8.

Carter,	Page,	Sims,
Clemens,	Seale,	Stephens.
Carwood,	Simkins,	

NAYS—19.

Atlee,	Ingram,	McKinney,
Clark,	Johnson,	Potter,
Crane,	Kearby,	Townsend,
Cranford,	Kimbrough,	Tyler,
Finch,	Lubbock,	Weisiger,
Frank,	Maetze,	Whatley.
Harrison,		

Senator Sims offered the following amendment:

Amend by adding at the end of section 3, page 3. (printed bill) as follows: "And the price shall be plainly printed on the back of each book by the publisher or party furnishing the same."

Adopted.

Senator Johnson offered the following amendment.

Strike out "35" in line 22, page 3, and insert "25"

Adopted.

Senator Townsend offered the following amendment:

Amend by striking out lines 26, 27 and 28, section 3, page 3.

A division being called for,

First division, "to strike out line 26," was lost.

Second division, "to strike out line 27," was lost.

Senator Simkins offered the following substitute: Amend line 28, section 3 by adding the words "provided it treats of the Confederacy from a southern point of view."

Senator Townsend offered the following amendment, which was read and ordered to lie on the table: Amend in line 28, after the word "States" the following, written by Alexander Stephens:

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS. }
February 12, 1891. }

Hon. George C. Pendleton, President of the Senate.

Sir—I am instructed by the House

to inform you of the passage of the following bills:

Senate bill No. 10, "An act to prohibit the making of contracts, limiting the time to sue thereon to less than that fixed by law, and providing the character of notice of a claim before suit, and the manner of the giving thereof," with amendments.

Also House substitute for Senate bill No. 12, "An act to amend article 182 of the revised civil statutes of the State of Texas."

GEO. W. FINGER,

Acting chief clerk of the House of Representatives.

Senator Kimbrough offered the following resolution:

Resolved, That the lieutenant governor be permitted to subscribe for the same number of newspapers that members of the Senate are allowed under a resolution recently adopted.

Adopted.

On motion of Senator Clemens Senator Glasscock was excused for the last two days and indefinitely on account of sickness.

On motion of Senator Lubbock the Senate adjourned until 10 a. m. tomorrow.

TWENTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, Feb. 13, 1891. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—28.

Atlee,	Ingram,	Pope,
Clark,	Johnson,	Seale,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Carter,	Lubbock,	Sims,
Cranford,	McKinney,	Tyler,
Frank,	Maetze,	Townsend,
Finch,	Potter,	Whatley,
Garwood,	Page,	Weisiger,
Harrison		

ABSENT—None.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, Senator Seale moved that the further reading of the same be dispensed with.

Adopted.

PETITIONS AND MEMORIALS.

By Senator Sims:

Petitions of White Chapel Farmers' alliance of Coleman county against the passage of any law making appropriation of the State funds for the World's Fair at Chicago.

Read first time and referred to committee on State Affairs.

By Senator Carter:

James Somes, a Texas revolutionary soldier, memorializes the Legislature to grant him \$100 instead of the land bounty due him and which he never received.

Read first time and referred to committee on State Affairs.

By Senator Sims:

Petition of citizens of Coleman county for the passage of laws protecting stock from destruction by wolves and other wild animals.

Read first time and referred to committee on Stock and Stockraising.

By Senator Stephens:

Petition of citizens of Wilbarger county and the Board of Trade of the city of Vernon praying for the passage of a law validating the sale of school lands made by the State Land board under the act of 1883.

Read first time and referred to committee on Public Lands.

By the Chair:

Petition of John Tippet, Sr., asking return of poll tax paid.

Read first time and referred to Judiciary committee No. 2.

COMMITTEE REPORTS.

Senator Clemens made the following report:

COMMITTEE ROOM,

Austin, February 12, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

House bill No. 64, being "An act to amend articles 2976, 2977 and 2980, title 54, of the revised civil statutes, relating to interest,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

All of which is respectfully submitted.

CLEMENS, Chairman.

Senator Johnson made the following report:

COMMITTEE ROOM,

Austin, February 12, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal

Improvements, to whom was referred.

Senate bill No. 42, being "An act to regulate telegraph companies in this state requiring them to promptly receive, date and number the same and to promptly transmit and deliver the same, and providing remedies for the violation of the act and how services may be had in said suit and what shall be prima facie evidence of negligence,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

JOHNSON, Chairmap.

Bill read first time.

Senator Seale made the following report:

COMMITTEE ROOM,

Austin, February 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Commerce and Manufactories, to whom was referred

Senate bill No. 44, being "An act to prevent unlawful agreements and contracts in restraint of trade and provide a punishment therefor,"

Have had the same under consideration, and instructed me to report the same back to the Senate with the recommendation that it do pass.

SEALE, Acting Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Cranford:

A bill to be entitled an act to regulate the sale of intoxicating liquors in certain locations.

Read first time and referred to Judiciary committee No. 2.

Senator Potter gave notice that he would file a minority report on Senate bill No. 42.

Senator Clemens called up the motion of Senator Townsend to reconsider the vote by which Senate bill No. 88 was passed.

Withdrawn.

Senator Sims moved to postpone pending business and that Senate bill No. 23 entitled an act to amend article 2224, title 38, chapter 2 of the revised statutes, be taken up out of its regular order and put on its second reading.

Adopted.

Bill read second time and ordered engrossed.

Senator Page moved to postpone pending business and take up out of its regular order House bill No. 135 en-

title I "An act to restore to and confer upon the county court of Nacogdoches county, the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the state, and to conform the jurisdiction of the district court of said county to such change."

Adopted.

Bill read second time and passed to third reading.

Senator Page moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—27.

Atlee,	Ingram,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Page,	Weisiger,
Garwood,	Pope,	Whatley.

NAYS—1.

Harrison.

Bill read third time and passed by the following vote:

YEAS—27.

Atlee,	Ingram,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Page,	Weisiger,
Garwood,	Pope,	Whatley.

NAYS—1.

Harrison.

Senator Harrison moved to further postpone pending business and take up out of its regular order Senate bill No. 118, entitled "An act to amend article 1517a, title 31, chapter 1, of revised civil statutes of Texas, providing for the meeting of county commissioners as boards of equalization."

Adopted.

Bill and amendment read second time.

The committee amendment was adopted and the bill ordered engrossed.

Senator Harrison moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—27.

Atlee,	Ingram,	Potter,
Carter,	Johnson,	Seale,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Sims,
Cranford,	Lubbock,	Stephens,

Finch,	Maetze,	Townsend,
Frank,	McKinney,	Tyler,
Garwood,	Page,	Weisiger,
Harrison,	Pope,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—25.

Atlee,	Johnson,	Potter,
Carter,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Sims,
Cranford,	Maetze,	Stephens,
Finch,	McKinney,	Townsend,
Frank,	Page,	Weisiger,
Harrison,	Pope,	Whatley.
Ingram,		

NAYS—None.

Senator Johnson moved to further postpone pending business and take up out of its regular order Senate bill No. 235, entitled "An act to apportion between the Agricultural and Mechanical College and the Prairie View Normal Schools the moneys due Texas under an act of congress for the more complete endowment and maintenance of agricultural and mechanical colleges and to designate a person to receive and receipt for said money."

Adopted.

Bill read second time and ordered engrossed.

Senator Johnson moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—25.

Atlee,	Ingram,	Potter,
Carter,	Johnson,	Seale,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Pope,	Whatley.
Harrison,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—25.

Atlee,	Johnson,	Potter,
Carter,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Sims,
Finch,	Maetze,	Stephens,
Frank,	McKinney,	Townsend,
Garwood,	Page,	Weisiger,
Harrison,	Pope,	Whatley.
Ingram,		

Order of the day being Senate bill No. 2, entitled "An act to empower the State Board of Education to procure for use in the common schools of the State of Texas

a series of text books, defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain felonies and misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency."

Question recurred to the substitute of Senator Simkins for the third division of Senator Townsend's amendment.

Senator Johnson offered the following amendment:

Add after line 28: Provided, That no history of the United States shall be contracted for or taught in the free schools of this state which does not treat of the war between the states from a fair and impartial standpoint.

The following message was received by the House of Representatives:

HALL OF THE HOUSE OF REPRESENTATIVES,
AUSTIN, Tex., Friday, Feb. 13, 1891.)
Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed by the House to inform you of the passage of the following bill:

House bill No. 96, "An act to amend sections 3 and 5 of chapter 127, of an act approved April 22, 1879, in relation to chattel mortgages and other instruments intended to operate as mortgages or liens upon personal property and the records thereof."

Respectfully,

GEO. W. EINGER,
Acting Chief Clerk.

Read first time and referred to Judiciary committee No. 1.

Senators Pope, Carter and Harrison spoke in favor of Senator Simkins' amendment:

Senator Johnson spoke in favor of his substitute.

Senators Carter and Simkins spoke in favor of Senator Simkins' amendment.

Senators Garwood and Crane spoke in favor of Senator Johnson's substitute.

Senators Cranford and Tyler spoke in favor of Senator Simkins' amendment.

By consent the following bills were introduced:

By Senator Pope:

A bill to be entitled "An act to regulate the practice of medicine and surgery and to create a state board of medical examiners."

Read and referred to committee on Public Health.

By Senator Pope:

A bill to be entitled "An act fixing the salaries of receivers, attorneys for receivers and other appointees concerning receivership."

Read first time and referred to committee on Internal Improvements.

By Senator Kimbrough:

A bill to be entitled "An act to investigate, suppress and prevent the spread of contagious and infectious disease among horses, cattle, mules, asses, sheep and goats of this state, and to make an appropriation therefor."

Read first time and referred to committee on State Affairs.

By Senator Stephens:

Petition against the division of Pecos county by citizens of the southern part of Pecos county.

Read first time and referred to committee on Counties and County Boundaries.

By Senator Lubbock:

A bill to be entitled "An act to amend chapter 3, title 17, of the penal code of the state of Texas, by adding thereto article 677a."

Senator Page moved that the Senate stand adjourned to 9:30 a. m. tomorrow.

Senator Garwood moved that the Senate adjourn to 10 a. m. tomorrow.

Lost.

Senator Page's motion was lost by the following vote:

YEAS—9.

Clark,	Maetze,	Pope,
Crane,	McKinney,	Tyler,
Lubbock,	Page,	Whatley.

NAYS—18.

Clemens,	Ingram,	Simkins,
Cranford,	Johnson,	Sims,
Finch,	Kearby,	Stephens,
Frank,	Kimbrough,	Townsend,
Garwood,	Potter,	Weisiger,
Harrison,	Seale,	Whatley.

Senator Kimbrough moved the previous question on substitute and amendment.

On the question, shall the main question be ordered, it was lost by the following vote:

YEAS—13.

Atlee,	Johnson,	Potter,
Clark,	Kimbrough,	Seale,
Clemens,	Lubbock,	Stephens,
Crane,	McKinney,	Townsend.
Finch,		

NAYS—15.

Carter,	Ingram,	Simkins,
Cranford,	Kearby,	Sims,
Frank,	Maetze,	Tyler,
Garwood,	Page,	Weisiger,
Harrison,	Pope,	Whatley.

Senator Frank moved that Senate bill No. 175, entitled "An act to pur-

chase State convict farms and improve and stock the same, to work convicts thereon, and to make appropriation therefor." be recommitted to the committee on Penitentiaries.

The chair announced that substitute House bill for Senate bill No. 12, entitled "An act to amend article 182 of the revised civil statutes of the state of Texas."

Was referred to Judiciary committee No. 2.

On motion of Senator Pope the Senate adjourned to 10 a. m. tomorrow.

TWENTY EIGHTH DAY.

SENATE CHAMBER, }
AUSTIN, February 14, 1891. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following senators answering to their names:

PRESENT—22.		
Atlee,	Harrison,	Pope,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley.
Garwood,	Page,	

ABSENT—4.		
Crane,	Simkins,	Weisiger.
Potter,		

Prayer by Chaplain, Dr. Smoot.

Pending reading of the journal Senator Stephens moved that further reading of the same be dispensed with.

Adopted.

On motion of Senator Frank Senator Potter was excused for today on account of important business.

On motion of Senator Kimbrough Senator Crane was excused for today on account of important business.

On motion of Senator Cranford Senator Ingram was excused for the day on account of sickness.

On motion of Senator Kearby the journal of yesterday was corrected to show that House bill 64 and not Senate bill 64 was reported favorably from committee on Finance.

On motion of Senator Cranford Sergeant at arms Brewer was excused yesterday and today on account of important business.

REPORTS FROM STANDING COMMITTEES.

Senator Whatley offered the following report:

COMMITTEE ROOM,
Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred Senate bill No. 100 with amendments, being an act to amend an act entitled, "To amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888, and to add article 566a, relating to foreign corporations, and which was recommitted with amendments for the action of this committee, have had the same under consideration and I am instructed to report the same back to the Senate with the subdivision 38, as follows:

"38. To act as trustee and to do a general fiduciary and depository business; to act as surety, and to act as guarantor of titles to real property, and the fidelity of employees of other persons."

Such incorporations may act as executors or testamentary guardian when designated such by a decedent or receiver, assignee, trustee or administrator, when designated by any person, corporation or court so to do; provided, that such corporation shall not be appointed administrator, unless the persons entitled by law to be appointed shall waive their rights in writing in favor of such corporation; that the court making such appointments into the affairs to be made at the expense of said corporation, by an auditor or master appointed for the purpose.

Provided further, That no corporation shall be chartered under this subdivision unless it has an authorized capital of at least three hundred thousand dollars, and such corporation shall not commence business until two hundred thousand dollars has been paid in cash, and a certificate to that effect obtained from the secretary of State after he is satisfied himself of the fact; and if any such corporation shall do any business before the issue of such certificate, the directors shall be individually liable for debts and contracts of the same."

And as thus amended that the same